

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

Penny Mathews,)
)
Plaintiff,)
) 1:09-cv-00478-SEB-DML
vs.)
)
Bronger Masonry, Inc.,)
)
Defendant.

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

This matter comes once more before the Court, this time on Plaintiff Penny Mathews's Motion for Reconsideration of the Court's February 18, 2011 Findings of Fact and Conclusions of Law, pursuant to Federal Rule of Civil Procedure 59(e). To prevail on such a motion, "the movant must present either newly discovered evidence or establish manifest error of law or fact." Oto v. Metropolitan Life Ins. Co., 224 F.3d 601, 606 (7th Cir. 2000). Manifest error is the "wholesale disregard, misapplication, or failure to recognize controlling precedent." Id. (quoting Sedrak v. Callahan, 987 F. Supp. 1063, 1069 (N.D. Ill. 1997)).

Ms. Mathews seeks additional findings of fact and amended findings of fact and conclusions of law. However, she has presented no new evidence or cited to any legal precedent to support her request, let alone established that this Court erred in its prior ruling(s). Rather, Ms. Mathews's request for additional findings of fact relates not at all to our previous analysis and is replete with arguments that have either been previously

rejected or reflect a misunderstanding of our holding. Therefore, Ms. Mathews's Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

Date: 04/18/2011

Sarah Evans Barker

SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Copies to:

Zachary Judson Eichel
EINTERZ & EINTERZ
zach@einterzlaw.com

Michael L. Einterz Jr.
EINTERZ & EINTERZ
michael@einterzlaw.com

Michael L. Einterz Sr.
EINTERZ & EINTERZ
einterzfirm@aol.com

Ronald E. Weldy
WELDY & ASSOCIATES
weldy@weldylaw.com